

1983 Form

In the United States District Court  
For the Northern District of Alabama

DARRIOUS Mabry

(Enter above the full name(s) of the  
plaintiff(s) in this action)

v

Matthew Moore

Carter Davenport

(Enter above full name(s) of the  
defendant(s) in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (X)
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if Federal Court, name the district; if State Court, name the county)

\_\_\_\_\_

3. Docket Number \_\_\_\_\_

4. Name of judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

\_\_\_\_\_

\_\_\_\_\_

6. Approximate date of filing lawsuit \_\_\_\_\_

7. Approximate date of disposition \_\_\_\_\_

II. Place of present confinement St. Clair Correctional Facility

A. Is there a prisoner grievance procedure in this institution?

Yes ( ) No ☒

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ( ) No ( )

C. If your answer is YES:

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. If your answer is NO, explain why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) DARRIOUS Mabry B/m 261108

\_\_\_\_\_

\_\_\_\_\_

Address St. Clair Correctional Facility - 1000 St. Clair Road - Springville, AL 35146

In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Matthew Moore  
is employed as Correctional Officer  
at St. Clair Correctional Facility

C. Additional Defendants Carter Davenport is employed as Warden  
at St. Clair Correctional Facility.

#### IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

This civil action is being brought by a U.S. and Alabama  
citizen who is currently incarcerated in the Alabama  
Department of Corrections. Plaintiff Darrious Mabry is  
bringing this action to recover damages for violations of  
his civil, constitutional, and statutory rights, including, but not  
limited to, claims of assault and battery, harassment and threats,  
conspiracy to violate plaintiff's rights, libel and abuse of  
authority and legal process.

1. My name is Darrious Mabry B/m 261108. My current  
address is 1000-St. Clair Road, Springville, AL 35146.

2. On October 29, 2012, my assigned living quarters was Q-1 Block, Cell 14.

3. On October 29, 2012, the assigned cubicle officer for Q-1 Block was CO I Moore.

4. At appx. 5:00 pm on October 29, 2012, Defendant Moore released Q-1 Block for the last meal of the day.

5. At appx. 5:30 pm, upon my returning to my assigned living quarters from the dining hall, Defendant Moore confronted me through the glass window of the cubicle about me bringing a piece of cake from the dining hall. At this time, me and Defendant Moore engaged in a verbal argument where Defendant Moore made repeated threats and threatening gestures towards me, including threats to do bodily harm to me.

6. Upon being threatened by Defendant Moore, I returned back to the dining hall and reported the incident and threats to the Supervisor on Duty in the dining hall, Sgt. Northcutt. At that time, Sgt. Northcutt directed me to the Security Supervisor, Sgt. Heflin.

7. I then left Sgt. Northcutt and reported to the shift office where I reported this matter to Sgt. Heflin, who told me that he would handle the problem after the last meal was served. Sgt. Heflin instructed me to report to another housing unit until that time, so that I could stay away from Defendant Moore.

8. Upon leaving the shift office, I was confronted by CO I Christian, who was working the g-yard area of the prison and was controlling prisoner movement. Officer Christian would not allow me to explain the situation to him, and told me to go directly to my assigned living area. He said that Sgt. Heflin has not contacted him to clear me to enter any other living area.

9. At this time, I was left with no option but to return to my assigned living area. I had returned all the way to my living area and entered my cellblock when Defendant Moore noticed me and again started the argument anew.

10. During the course of the argument, I informed Defendant Moore that I had already contacted the Shift Supervisor and informed him of the problem



we were having, and informed Defendant Moore that Sgt. Heflin stated that he would resolve this matter after the last meal was completed. At that time, Defendant Moore became belligerent, made multiple threats to do bodily harm to me, and then, in an unprovoked rage, Defendant Moore exited his assigned security post, opened the door to the dorm and proceeded to attack and assault me,

11. As a result of this assault, I sustained a busted nose, busted lip and broken tooth, an eye injury, and several knots on my head. I have also suffered mental and emotional distress, loss of sleep, and I live in a constant fear of retaliation by other officers.

I suffered mental anguish because I was placed into segregation, arrested and charged with assault of a DOC official and found guilty by a hearing officer.

12. In an attempt to cover up his misconduct, Defendant Moore abused his legal authority and the legal process of the Disciplinary Hearing by bringing the false charges of assault of a DOC official against plaintiff, and conspired with the Hearing Officer to find plaintiff guilty, even though

Plaintiff had only acted in self-defense

### Defendant Carter Davenport

13. Defendant Davenport is the Warden at St. Clair Correctional Facility, and is responsible for the overall maintenance, security training, and administrative processes of the prison.

14. In the over two years that Defendant Davenport has been at this prison, the overall violence level has escalated to the point that there has been several murders (at least one completely unsolved), appx 30 to 40 stabbings, and untold of fights.

15. In the past 90 days, there has been apprx. four incidents of officer-inmate fights. (Defendant Moore, Officer Christian, Officer Cambren, and Officer Jones.)

16. Under the leadership, training, and direction of Defendant Davenport, the staff at St. Clair prison, including Defendant Moore, have begun to act with impunity with respect to inmates rights, which has resulted in a more confrontational and violent

prison environment.

In this incident alone, Defendant Moore left his assigned post in a secure and locked-in control unit to confront an inmate about leaving the dining hall with one small piece of cake.

Defendant Moore left this control unit unattended for several minutes. Defendant Moore left this control unit even though each Block has a ROVER on-call to come and address any issues that a officer in a control unit may see outside of the control unit.

17. In the last 18 months alone there have been two small riots in this prison. One in the dining hall and the other in the g-yard area. Both between officers and prisoners.

There also have been countless stabbings where officers have allowed prisoners in segregation to enter other prisoners cells and stab them, or officers not supervising inmates in handcuffs, which resulted in several inmates being stabbed in handcuffs by other prisoners.

In another incident, Sgt. Mason assaulted an inmate during a disciplinary hearing while the prisoner was handcuffed, and then placed him



back into his cell for several hours before help could be summoned.

19. In another incident Sgt. McDowell was observed by several inmates with a knife drawn. When inmate Veteto complained to Defendant Davenport about the officer drawing a knife he was written a disciplinary for lying on an officer. The officers know that they won't be held accountable for their conduct, based on the leadership, training, and direction of Warden Davenport, which has resulted in a hostile and extremely dangerous and confrontational prison.

### Abuse of Process / Authority

20. The Hearing Officer found plaintiff guilty, even though he knew that Defendant Moore had left his cubicle in defiance of ADOC regulations to confront the plaintiff.

21. Defendant Moore conspired to violate plaintiff's constitutional rights by attacking and assaulting him, then trying to cover-up his criminal conduct by bringing false charges against plaintiff and having him charged with conduct that is criminal.

under the laws of the State of Alabama, namely;  
Assault on an Officer of the Alabama Department of  
Corrections. Defendant Moore issued an official  
report of the State of Alabama, under his Oath  
as a Peace Officer.

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks compensatory damages in the amount of 120,000 dollars. Plaintiff seeks punitive damages in the amount of 120,000 dollars. Plaintiff seeks special damages in the amount of 120,000 dollars. Plaintiff seeks recovery from the Defendants for all costs associated with the bringing of this suit, and a jury trial on all issues triable by jury and any other relief that the court deems just, proper, and correct.

"I declare under penalty of perjury that the foregoing is true and correct.

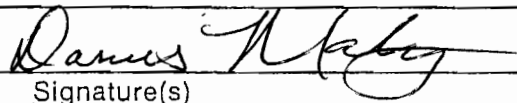
Executed on \_\_\_\_\_  
(date)

DARRIOUS Mabry 261108

St. Clair Correctional Facility

1000 - St. Clair Road

Springville, AL 35146

  
Signature(s)

under the laws of the State of Alabama, namely;  
assault on an officer of the Alabama Department of  
Corrections. Defendant Moore issued an official report of  
the State of Alabama, under his Oath as a Peace  
Officer.

V. RELIEF

State briefly ~~exactly~~ what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Plaintiff seeks compensatory damages in the amount of 120,000 dollars.

2. Plaintiff seeks punitive damages in the amount of 120,000 dollars.

3. Plaintiff seeks special damages in the amount of 120,000 dollars.

4. Plaintiff seeks recovery from the Defendants for all costs associated  
with the bringing of this suit, and a jury trial on all issues triable by  
jury, removal of all records of incident out institutional file, and any  
other relief the court deems just, proper, and correct.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-28-13  
(date)



Signature(s)